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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,665	10/20/2000	Herve Andrean	06028 0016	9090
22852	7590	03/15/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ELHILO, EISA B	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/622,665	ANDREAN ET AL.	
	Examiner	Art Unit	
	Eisa B. Elhilo	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on January 13, 2006 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

In response to the office action of Election/ Restriction mailed on 12/22/2003, Applicants elected compound of formula (VIII) from (A) and Ketones from (B) (see Response to election of species requirement filed on 1/22/2004). Examiner according to the PCT Rule, extended the search to cover some of the nonelected species and not all of the nonelected species after indicating the allowability of the elected species (see Office action mailed on 11/3/2004. On September 30, 2005, Applicant's attorney agreed to the examiner's suggestion to cancel nonelected claims in order to allow the application (see Interview Summary on September 30, 2005). Therefore, the examiner would like to point out that claims 38 and 73 are directed to nonelected species of aldehydes. Claim 42 is allowed because is directed to claim 17 (b) under (cosmetically acceptable salts). Claims 44 and 79 are directed to nonelected aldehyde and quinone species. Claims 61 and 62 are allowed because these claims are directed to the species of pyridine derivatives of the formula (VII) after extension of the search. Claim 77 is allowed because is directed to claim 49 (b) under (cosmetically acceptable salts) and is not directed to quinone derivatives of formula (XXII) as indicated by applicants. Further, claim 77 does not contain subject matter that corresponds to claim 41 because claim 77 is directed to the acid salts while claim 41 is directed to chemical species (see claims 41 and 77). Furthermore, the examiner would like to point out that line 7 under the formula (VIII) recites the following limitation "derivatives having formula (IX) and derivatives having formula (X)" (see claim 17, page 7, in the preliminary amendment filed on 9/6/2001 which confirmed by applicants in the amendment after allowance filed on 1/13/2006 at page 6, in which line 7 under the formula (VIII) has been cancelled). Accordingly, the amendment after allowance is disapproved.

Eisa Elhilo

Eisa Elhilo
Primary Examiner
Art Unit 1751

3/11/06